IMGA - Service Animals in Schools

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The Board recognizes that service animals may be used to provide assistance to some persons with disabilities. This policy governs the presence of service animals in the schools, on school property, including school buses, and at school activities.

DEFINITION

As applied to schools, federal and Maine laws define a “service animal” as a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purpose of this definition.

The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of such work or tasks include, but are not limited to, assisting an individual who is totally or partially blind with navigation and other tasks, alerting an individual who is deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items such as medicine or a telephone, providing physical support and assistance with balance and stability to an individual with a mobility disability and helping a person with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purposes of this definition.

USE OF SERVICE ANIMALS IN SCHOOLS

Use of a service animal by a qualified student with a disability will be allowed in school when it is determined that the student’s disability requires such use in order to have equal access to the instructional program, school services and/or school activities.

Use of a service animal by a qualified employee with a disability will be allowed when such use is necessary to enable the employee to perform the essential functions of their job or to enjoy benefits of employment comparable to those of similarly situated non-disabled employees.

The parent/guardian of a student who believes the student needs to bring a service animal to school, or an employee who wishes to bring a service animal to school, must submit a written request to the building principal. The building principal, in consultation with the Section 504 Coordinator or Director of Special Services, as appropriate, and the Superintendent will determine whether or not to permit the service animal in school.

Parents or animal handlers who will be present in school for the purpose of assisting a student with their service animal will be required to submit to a sex offender registry and criminal background check. In addition, parents and handlers must comply with all standards of conduct that apply to school employees and volunteers.

The school unit may impose additional conditions on the presence of a service animal, depending upon the circumstances.

The building principal may remove or exclude a service animal from the school or school property if the presence of the animal poses a direct threat to the health and safety of others or the student, employee or handler is unable to fully control the animal; or the animal fails to consistently perform the function(s)/service(s) for which it has been trained and brought to school.

A parent or employee whose service animal has been removed or excluded may appeal the decision to the Superintendent. If dissatisfied with the Superintendent's decision, the parent or employee may appeal to the Board.

SERVICE ANIMALS AT SCHOOL-SPONSORED EVENTS

Individuals with disabilities may be accompanied by their service animals to events or activities open to the public that are held in schools or on school property. The use of a service animal may not be conditioned on the payment of a fee or security deposit, but the individual is liable for any damage done to the premises or facilities by such an animal.

The building principal may revoke or exclude the service animal only if the animal poses a direct threat to the health and safety of others, the use of the animal would result in substantial physical damage to the property of others, or would substantially interfere with the reasonable enjoyment of the event or activity by others.

Legal Reference:

42 USC § 12101 et seq.

36 CFR § 104, 302

5 MRSA §§ 4553, 4592

Me. Human Rights Commission Rule Chapter 7

Cross References:

AC - Nondiscrimination, Equal Opportunity, and Affirmative Action

KFC - Public Conduct on School Property

IMG - Animals in Schools

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